

**Regular Meeting
Jasper Plan Commission
August 3, 2005**

Due to the length of the Board of Zoning Appeals Meeting, President Tom Kiefer called the Regular Meeting of the Jasper Plan Commission to order at 9:27 p.m. Secretary Schitter took roll call as follows:

Tom Kiefer, Pres.	-Present	Bernita Berger	-Absent
Rick Gunselman, V.P.	-Absent	Norb Kreilein	-Present
Butch Schitter, Sec.	-Present	Randy Mehringer	-Present
Jim Schroeder	-Present	Patrick Lottes	-Present
Lloyd Martin	-Present	Chad Hurm, Eng.	-Present
Bob Wright	-Present	Dave Seger, Bld. Comm.	-Present
		Sandy Hemmerlein, Atty.	-Present

PLEDGE OF ALLEGIANCE

President Kiefer led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the July 6, 2005, Regular Meeting were reviewed. Secretary Schitter made a motion to approve the minutes as mailed. Norb Kreilein seconded it. Motion carried 9-0.

STATEMENT

President Kiefer read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Application of Alan R. Holweger for secondary approval of a proposed plat of Brentwood Phase II, a subdivision in Jasper, Indiana, and all proposed necessary street and sewer profiles thereof.

Surveyor Ken Brosmer was present on behalf of Alan Holweger to request permission to table the public hearing.

Lloyd Martin made a motion to table the public hearing. Norb Kreilein seconded it. Motion carried 9-0.

Application of Gary J. & Sara J. Hopf, for secondary approval of a proposed plat of Arbor Pointe II, a subdivision In Jasper, Indiana, and all proposed necessary street and sewer profiles thereof.

Surveyor Ken Brosmer was present on behalf of Gary Hopf to request secondary approval of a two-lot subdivision, Arbor Pointe II. The proposed property is located on Rumbach Avenue, east of Kmart and west of Bohnert Park.

There was one change to the plat. In the dedication and deed restriction portion, it shall

now read, "Arbor Pointe II is not to be subdivided in the future without roadway construction to the newly created parcels, which is in accordance with the requirements set forth by the City of Jasper, Indiana."

There were no remonstrators present. After some discussion, Secretary Schitter made a motion to close the public hearing. Patrick Lottes seconded it. Motion carried 9-0.

Secretary Schitter made a motion to grant secondary approval of a two-lot subdivision, Arbor Pointe II. Jim Schroeder seconded it. Randy Mehringer was opposed. The motion carried 8-1.

NEW BUSINESS

Petition of Hogan Development Company and J & M Thyen Investors, L.P. for a rezoning from R-2 (Residential) to B-1 (Business District).

Attorney Bill Kaiser was present on behalf of Hogan Development Company and J & M Thyen Investors, to request a rezoning of land from R-2 (Residential) to B-1 (Business District). The proposed property is located north of 36th Street and west of Villa Drive.

Attorney Kaiser displayed a map, which identified the number of businesses in the area. Plans are to demolish the gas station, laundry mat, and Mailboxes and Parcel Depot and replace it with a new Walgreen's Store.

Chip Sprigg and Mike Wright, also present representing Hogan Development, displayed a site plan of the proposed Walgreen's store. The main entrance of the store would be facing the corner of U.S. Highway 231 and 36th Street. There would be a double drive-through on the north side of the building, with receiving in the rear.

The concept of the drainage plan is to route all the drainage to the rear of the property and place a detention basin to detain any increase in stormwater runoff.

The property northeast of the proposed Walgreen's lot, between 36th and 37th Streets, is also part of the rezoning request. There are no plans for the northeast lot at this time.

Don Arnhoff, representing Southern Hills Counseling Center at 140 E. 37th Street, was present to voice his objection to rezoning the northeast lots. Mr. Arnhoff said he does not want the area to lose its residential character.

Also objecting to rezoning the northeast lots were Chuck Eckerle, who was present on behalf of his parents, Joe and Irene Eckerle, of 3682 Newton Street. Mr. Eckerle stated that although there is business in the area, it is also the area where his parents live. He said they would prefer that the lot stay residentially zoned.

Cheyenne Toby, of 132 E. 36th Street, said she has no objection to the Walgreen's store. Her concern is to vacate the street next to her residence. Ms. Toby said she would like to have the street vacated because she never wants a street built right next to her property.

Attorney Hemmerlein advised Ms. Toby to apply for a street vacation through the Common Council.

Norb Kreilein and Lloyd Martin both voiced their opinion not to rezone the northeast lots until there are specific plans for those lots.

After some discussion with the representatives of Hogan Development, Attorney Kaiser suggested to amend the petition to request rezoning only of the southern four lots and the vacated alley lying west and north thereof.

Secretary Schitter made a motion to close the public hearing. Bob Wright seconded it. Motion carried 9-0.

Secretary Schitter made a motion recommending that the Common Council rezone the amended petition from R-2 (Residential) to B-1 (Business District). The amendment shall include Lots 62, 63, 64 and 65 of O. Eckerle's Victory Villa 6th Addition and the vacated alley lying north thereof and west thereof. Jim Schroeder seconded it. Motion carried 9-0.

The Common Council will hold a public hearing at 6:40 p.m. on August 17, 2005, for final approval of the rezoning.

Petition of Tiffany Realty & Management Company, Inc. and Greater Jasper Consolidated Schools for a rezoning from R-3 (Residential) to R-4 (Residential).

Bernie Vogler was present on behalf of Greater Jasper Consolidated Schools to request a rezoning of land from R-3 (Residential) to R-4 (Residential). The proposed property is located at 340 W. 6th Street, the former Jasper Middle School.

Tiffany Realty Management Company is contracted to purchase the former Jasper Middle School, contingent upon a rezoning. The purpose of the rezoning is to rehabilitate the former Jasper Middle School into a senior living center.

Joe Wolfla, President of Tiffany Realty, appeared before the board to explain his proposal. His for-profit corporation applied for the base rate units through HUD (Housing and Urban Development). The "Cabby O'Neil Heaven on Earth Living Center" would have 75 units, a maximum of two persons per apartment and be limited to those 55 years of age and older who meet certain guidelines.

The exterior of the building would not substantially change, however, the existing utility building on the west side would be removed and the front lawn would be partially used for parking.

There would be approximately 10 full or part-time employees, including an on-site manager. The center would have a van to transport residents, if need be, to doctor appointments, shopping, etc.

Terry Seitz, of 402 W. 7th Street, appeared before the Board to share his concerns. Mr. Seitz told the Board he served on the committee that was assembled to find a use for the proposed structure after it was vacated. Mr. Seitz said he met with Mr. Wolfla and his associates several times within the past year; however, he has never been comfortable enough with a lot of the materials presented about Mr. Wolfla's company. In his opinion, Mr. Seitz said there is still a lot of unnecessary mystery and too much verbal description about plans for the living center. He suggested that Mr. Wolfla provide some drawings for the Board and neighbors to view before any decision is made.

Phil Gramelspacher, of 333 W. 6th Street, told the Board he has met with Mr. Wolfla. Mr. Gramelspacher said although he is in favor of the senior living center, he wants to be assured that the neighbors are protected in the event something does not “work out” regarding Mr. Wolfla’s plans.

Attorney Hemmerlein explained that the Board cannot put a commitment on a rezoning. With that said, Attorney Hemmerlein suggested that the owner (Greater Jasper School Corporation) could enter into some sort of deed restriction or covenants with Tiffany Realty and the neighbors, placing a private commitment between them.

Larry Riggs, Superintendent of Greater Jasper Schools, said he understands the Board’s concern. He assured them that Mr. Wolfla has an agreement with the School Corporation to complete the project within a certain period of time through phases.

Pat Lottes suggested that Attorney Hemmerlein receive a copy of the legal agreement to view before the Common Council grants final approval.

Tim Bell, of 406 W. 7th Street, appeared before the Board to reiterate what Mr. Lottes suggested; that Attorney Hemmerlein receives a copy of the legal agreement before final approval is granted.

Norb Kreilein made a motion to close the public hearing. Lloyd Martin seconded it. Motion carried 9-0.

Lloyd Martin made a motion recommending that the Common Council rezone the property located at 340 W. 6th Street from R-3 (Residential) to R-4 (Residential). Norb Kreilein seconded it. Motion carried 9-0.

The Common Council will hold a public hearing at 6:25 p.m. on August 17, 2005, for final approval of the rezoning.

Petition of Paul E. Schmitt, Co-Personal Representative of the Estate of Othmar W. Schmitt, Patricia E. Kiefer, Co-Personal Representative of the Estate of Othmar W. Schmitt, Jerome H. Kerstiens, President, Kerstiens Corporation, Inc., and Doris A. Kerstiens, Secretary, Kerstiens Corporation, Inc., for a rezoning from R-R (Rural Residential) to PUD Planned Unit Development (Residential).

Al Mehringer, of Kerstiens Corporation, was present to request a rezoning of land from R-R (Rural Residential) to PUD-Planned Unit Development (Residential). The proposed property is located on the northeast and northwest corners of the intersection of 47th Street and Portersville Road.

Mr. Mehringer displayed a preliminary plan of the 40-acre tract of land. Plans are to develop 98 lots. Nine of those lots potentially could be duplexes.

Two adjacent property owners were present in opposition of the rezoning. Steve Hopf and Catherine Hoffman both expressed their concerns, stating that they would like the proposed property to remain R-R (Rural Residential). They do not want to see duplexes built in that area.

After some discussion, Secretary Schitter made a motion to close the public hearing. Norb Kreilein seconded it. Motion carried 9-0.

Bob Wright made a motion recommending that the Common Council rezone the proposed property located on the northeast and northwest corners of the intersection of 47th Street and Portersville Road. Norb Kreilein seconded it. Lloyd Martin was opposed. Motion carried 8-1.

The Common Council will hold a public hearing at 6:15 p.m. on August 17, 2005, for final approval of the rezoning.

Application of Streicher Construction, Inc. and KLN LLC, for approval of a proposed plat of Fairway Park Seventh Addition, a subdivision in Jasper, Indiana, and all proposed and necessary street profiles thereof.

Surveyor Ken Brosmer was present on behalf of Streicher Construction to request primary approval of a two-lot subdivision, Fairway Park Seventh Addition. The proposed property is located at 2350 N. Terry Lane.

Streicher Construction plans to divide the property formerly owned by the City of Jasper Gas and Water Department and a one-acre lot, which was formerly a park owned by the City of Jasper Park Department. The company plans to use the lots for storage for the business.

Mr. Brosmer said that Lot #2 does not have sewer service. A covenant was added to the plat that reads, "Streicher Construction will install a sanitary sewer line if or when they sell Lot #2 to anyone other than the owner/owners of Lot #1 of this subdivision or construct a building requiring a sanitary sewer."

Terry Streicher, of Streicher Construction, appeared before the Board to assure them that he would be responsible for the sewer line on Lot #2 in the event he ever sells the property.

There were no remonstrators present. Jim Schroeder made a motion to grant primary approval of a two-lot subdivision, Fairway Park Seventh Addition. Randy Mehringer seconded it. Motion carried 9-0.

With no other business at hand, Norb Kreilein made a motion to adjourn the meeting. It was seconded by Bob Wright. Motion carried 9-0, and the meeting was adjourned at 11:48 p.m.

Tom Kiefer, President

A. "Butch" Schitter, Secretary

Kathy M. Pfister, Recording Secretary